

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 449 – SB 663

March 15, 2013

SUMMARY OF ORIGINAL BILL: Defines “relative” as a spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, or any family member who lives in the same household. Prohibits individuals who have relatives employed by a local education (LEA) from being elected to serve on a local board of education or appointed to fill a vacancy on a board after December 31, 2013. Relatives of board members serving as of December 31, 2013, shall not be promoted unless a majority of board members, excluding the member relative, vote to promote such relatives. Authorizes LEA personnel who become a relative of a board member by marriage to continue their employment; provided they shall not be promoted, except by a majority vote by the local board, excluding the member relative. Authorizes relatives of board members to be employed as new personnel by an LEA, if the director of schools finds that the relative is the best candidate and the majority of board members, excluding the member relative, vote for such employment.

Prohibits two LEA employees from being in the same direct line of supervision where one relative is supervising the other relative. If relative employees are in the same direct line of supervision, or will become such through marriage or promotion, the director of schools shall resolve the situation through transfer. Employees may express their opinion on transfers; however, the director of schools has the final decision-making authority. If the director cannot find a suitable resolution, the employment of both relatives shall continue, but the work of the non-supervisory relative shall be evaluated by a different non-relative school employee.

Prohibits relatives, of a director of schools who is hired after July 1, 2013, from being employed by the same LEA. Relatives of a director of schools, who was hired before July 1, 2013, and whose contract is renewed on or after July 1, 2013, shall not be subject this prohibition. Authorizes relatives of a director of schools who were employed before the director took office to continue their employment. Such provision also applies to an LEA employee who becomes a relative of the director of schools through marriage after the director is hired.

Requires a relative of the director of schools, who is under the immediate supervision of the director, to have their work evaluation done by someone other than the director. Prohibits a director’s relative from being promoted during the director’s tenure unless a majority of the local school board vote to do so.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

HB 449 – SB 663

SUMMARY OF AMENDMENT (004742): Deletes all language after the enacting clause. Defines “relative”, as it relates to boards of education, as a spouse, parent, parent-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, or any family member who lives in the same household. Requires each member of a local board of education who has a relative employed by the board to declare this relationship prior to the voting on any matter that will impact the employment of such relative. Such board members must certify that their vote is cast in the best interest of the school system. Requires the director of schools of a city or county school system to give notice to the local board of education whenever there is intent to employ a board member’s relative or the relative of a county or city elected official respectively. In giving notice, the director of schools shall certify that the individual is qualified by training and licensure to occupy the position. If employees who are relatives are in the same direct line of supervision, or will become such through marriage or promotion, the director of schools shall resolve the situation through transfer. If the director finds that a transfer is not feasible, an alternative evaluation plan shall be developed for one of the employees.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- No impact on the Basic Education Program (BEP) funding formula.
- No change in the total number of employees hired by LEAs. Current LEA employees will continue their employment. Any increase in local expenditures is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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